

SEP 02 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WILLIE KEITH JACKSON,

Defendant - Appellant.

No. 08-30259

D.C. No. 3:04-cr-00141-RRB

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Alaska
Ralph R. Beistline, District Judge, Presiding

Submitted August 20, 2009^{**}

Before: WALLACE, HAWKINS, and THOMAS, Circuit Judges.

Willie Keith Jackson appeals pro se from the district court's order reducing his sentence to 180 months imprisonment pursuant to 18 U.S.C. § 3582(c)(2). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

The government's contention that we lack jurisdiction to review the district court's discretionary decision regarding the sentence reduction is foreclosed. *See United States v. Colson*, No. 08-10287, 2009 WL 2185406, at *1 (9th Cir. Jul. 23, 2009) (Order).

Jackson contends that the district court abused its discretion under 18 U.S.C. § 3582(c)(2) by, among other things, not reducing his sentence further. The record reflects that the district court did not abuse its discretion because it considered the factors under 18 U.S.C. § 3553(a) and sentenced Jackson consistently with the applicable policy statements issued by the Sentencing Commission. *See* 18 U.S.C. § 3582(c)(2); *see also United States v. Hicks*, 472 F.3d 1167, 1171 (9th Cir. 2007). Jackson's contention that the district court erred by failing to conduct a full resentencing hearing, at which he was entitled to personally appear, also fails. *See* Fed. R. Crim. P. 43(b)(4); *see also Hicks*, 472 F.3d at 1171 (noting that § 3582(c)(2) proceedings do not constitute full resentencings).

We decline to consider Jackson's remaining contentions as they are not properly within the scope of this appeal. *See* U.S.S.G. § 1B1.10 n.2.

Jackson's motion for the court to take judicial notice of docketing errors is denied.

AFFIRMED.